

**BEFORE THE OFFICE OF CAMPAIGN FINANCE
DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS
FRANK D. REEVES MUNICIPAL BUILDING
2000-14th STREET, N.W., SUITE 420
WASHINGTON, D.C. 20009
(202) 671-0550**

IN THE MATTER OF)	DATE: December 13, 2005
)	
Corey D. Askew)	DOCKET NO.: 05F-047
Administrative Officer)	
Department of Human Services)	
5007 – 4 th Street, NW)	
Washington, DC 20011)	

ORDER

Statement of the Case

This matter came before the Office of Campaign Finance (hereinafter OCF) Office of the General Counsel following a determination by its Public Information and Records Management Division, that pursuant to D.C. Official Code §1-1106.02 (2001 Edition), Corey D. Askew, Administrative Officer, Department of Human Services, failed to timely file, a Financial Disclosure Statement for calendar year 2004, on or before May 16, 2005, as required by D.C. Official Code §1-1106.02, and also failed to file on or before the OCF sanctioned extended filing deadline of June 13, 2005.

By Notices of Hearing, Statements of Violations and Orders of Appearance dated September 6, 2005 and September 19, 2005, OCF ordered Corey D. Askew (hereinafter respondent), to appear at scheduled hearings on September 16, 2005 and September 30, 2005, and show cause why he should not be found in violation of the D.C. Campaign Finance Reform and Conflict of Interest Act of 1974, as amended by D.C. Official Code §§1-1101.01 et seq., and fined accordingly.

Summary of Evidence

OCF alleges that the respondent failed to timely file the statutorily required Financial Disclosure Statement (FDS) for calendar year 2004, on or before June 13, 2005.

On September 16, 2005, the respondent contacted the Hearing Officer to advise that he had just received a Notice of Hearing, Statement of Violations and Order Appearance for a hearing of same date. Respondent stated the Notice was addressed to him at a property he owns, but is not his residence. Respondent advised that his current address is 5007 – 4th Street, NW, Washington, DC 20011. On September 30, 2005, the

respondent appeared at the rescheduled hearing and testified that his address of record changed in February 2005. Respondent stated that he did not receive notices to file from OCF. Respondent confirmed that he is a member of the Management Supervisory Service. Respondent filed the required Financial Disclosure Statement on September 18, 2005.

Findings of Fact

Having reviewed the allegations and the record herein, I find:

1. Respondent is a member of the Management Supervisory Service.
2. Respondent was required to file a Financial Disclosure Statement with OCF for calendar year 2004, on or before June 13, 2005.
3. Respondent filed the required Financial Disclosure Statement on September 18, 2005.
4. Respondent provided a credible explanation for the filing delinquency in that OCF's address of record, provided by his agency, was incorrect.
5. Respondent is currently in compliance with the statute.

Conclusions of Law

Based upon the record provided by OCF, I therefore conclude:

1. Respondent violated D.C. Official Code §1-1106.02.
2. Agency heads are responsible for maintaining the currency of the names and current mailing addresses of all persons required to file pursuant to D.C. Official Code § 1-1106.02(b).
3. The penalty established at D.C. Official Code §1-1103.05(b)(3), and 3DCMR §§3711.2(aa), 3711.2 and 3711.4 for failure to timely file a Financial Disclosure Statement required by D.C. Official Code §1-1106.02 is a fine of \$50.00 per day for each business day subsequent to the due date.

4. In accordance with D.C. Official Code §1-1103.05(b)(3), the respondent may be fined a maximum of \$2,000.00 for failing to timely file a Financial Disclosure Statement.
5. For good cause shown pursuant to 3DCMR §3711.6, the Director of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.
6. Respondent's explanation for the filing delinquency, in that OCF's address of record, as provided by respondent's agency, was incorrect, constitutes good cause for suspension of the fine.

Recommendation

In view of the foregoing and information included in the record, I hereby recommend that the Director suspend the imposition of a fine in this matter.

Date

Jean Scott Diggs
Hearing Officer

Concurrence

In view of the foregoing, I hereby concur with the Recommendation.

Date

Kathy S. Williams
General Counsel

ORDER OF THE DIRECTOR

IT IS ORDERED that the fine be hereby suspended in this matter.

Date

Cecily E. Collier-Montgomery
Director

SERVICE OF ORDER

This is to certify that I have served a true copy of the foregoing Order on Corey D. Askew, by regular mail, on December 13, 2005.

cc: Yvonne D. Gilchrist, Director
Department of Human Services
64 New York Avenue, NE
Sixth Floor
Washington, DC 20002

Letitia Hackett, HR Advisor
Department of Human Services
64 New York Avenue, NE
Sixth Floor
Washington, DC 20002

NOTICE

Pursuant to 3DCMR §3711.5 (1999), any fine imposed by the Director shall become effective on the 16th day following the issuance of a decision and order, if the respondent does not request an appeal of this matter. If applicable, within 10 days of the effective date of this order, please make a check or money order payable to the D.C. Treasurer, c/o Office of Campaign Finance, Suite 420, 2000-14th Street, N.W., Washington, D.C. 20009.